REMARKS

The present application includes claims 1-22 and 29-36. Claims 1-2, 4, 6-7, 12, 17-18, 29 and 35-36 are currently amended.

Rejection Under 35 USC §112, first paragraph

Claim 16 stands rejected under 35 USC 112, first paragraph, for failing to comply with the written description requirement.

Regarding claim 16, the Examiner states that it is not described how to determine differentiating attributes between matching records. Applicant disagrees with the Examiner on this point. For example, it is described on page 15, lines 13-20 that any number of fields can optionally used for graphing, including as examples geographical area, age and experience. These attributes can optionally be used to differentiate between matching records. Furthermore, it is described on page 24, lines 14-32 that certain attribute fields can be weighted depending on their importance to the employer. In such a scenario once matching records are presented to the employer, they can be differentiated thereafter by examining the weightings of the attribute fields (*e.g.* education is more important than location, so record 1 is more desirable than record 2 even though they were both provided as matching records).

Rejections Under 35 USC §112, second paragraph

Claim 16 stands rejected under 35 USC 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter of the invention. The Examiner has stated that it is not clear if the graphed average salary is an average of all salaries for each candidate depending on an attribute or if the average salary is an average of all salaries of all candidates depending on an attribute.

Applicant asserts that while the disclosure discusses specifically graphing the average salary of all salaries of all candidates depending on an attribute, see page 14, lines 13-20 and page 15, lines 13-20, claim 16 was fashioned to be broad enough to cover other possibilities, including those mentioned by the Examiner.

Claim 36 stands rejected under 35 USC 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter of the invention. The Examiner asserts that it is unclear how something can occur "substantially concurrently".

Therefore, the claim has been amended to change "substantially concurrently" to "concurrently".

Rejections Under 35 USC §102 (a) and (e)

Claims 1, 2, 5-9, 12-15, 19-22, 35 and 36 stand rejected under 35 USC 102(a) and 102(e) as being anticipated by U.S. Patent No. 5,978,768 to McGovern et al. Applicant believes that the Examiner has still not established a *prima facie* case of anticipation since McGovern lacks at least one element of claim 1, as described in Applicant's previous response. However, in order to clarify the distinctions between the present application and McGovern, claims 1-2, 4, 6-7, 12, 17-18, 29 and 35-36 have been amended to include worker "qualifications". Support for "qualifications" can be found on page 13, lines 26-27 and page 23, lines 3-7.

Amended claim 1 requires "providing a worker record which includes one or more fields describing a worker's qualifications and one or more fields describing a position desired by the worker". An examination of McGovern reveals that it only includes one or more fields describing a position desired by the worker and not any fields describing a worker's qualifications. Nowhere in McGovern is it described that a worker inputs qualifications. In fact, the qualifications of the worker are only provided separately, after the search, when the worker shows interest in a specific job (col. 15, lines 56-58 and col. 17, lines 30-43).

Furthermore, claim 1 requires automatically determining by a processor, for records in the worker database, whether worker qualifications in the profiles match the description of the job opening; and automatically determining by a processor, for at least one of the worker profiles, job opening records that match the worker qualifications. McGovern only searches if the job opening matches the position desired by the worker, and does not determine whether the qualifications of the worker match the job position. In fact, McGovern is incapable of automatically performing this two-way match since a worker does not supply qualification information at all until the search has already been performed and possible job openings have been identified (col. 15, lines 56-58 and col. 17, lines 30-43).

The dependent claims are allowable at least by virtue of independent claim 1.

Nonetheless, at least one of the independent claims adds further patentability over McGovern. Claim 2, for example, requires displaying data from job opening records that both match the position desired by the worker and to which the worker' qualifications match. In contrast, McGovern displays records that match the desired position, without relation to whether the worker's qualifications match the position. Furthermore, it is noted from an examination of McGovern that any job requirements provided by a hiring contact are for describing the position to a prospective candidate, and are not actually used to perform the job seeker's search (col. 9, lines 52-53).

Claim 6 has been amended to clarify for the Examiner that the method includes "automatically determining by a processor, for records in the worker database, whether worker qualifications in the profiles match the description of the job opening; and automatically determining by a processor, for at least one of the worker profiles, job opening records that match the worker qualifications."

In contrast, McGovern only checks if a job opening matches desires of a worker (Col. 13, lines 27-40) and does not describe of suggest checking if a worker's qualifications match a job opening. Such determination of whether the worker qualifications match the job opening is performed in McGovern manually by the employer (col. 17, lines 47-58 and col. 18, lines 39-55). As a result, claim 6 is both novel and nonobvious in view of McGovern.

The dependent claims are allowable at least by virtue of independent claim 6. Nonetheless, at least some of the dependent claims add further patentability over McGovern. Claim 7, for example, requires providing by the processor suggested changes in the description of the job opening such that the description matches a desired set of one or more records. This is not taught or suggested by McGovern. In col. 10, lines 27-46 of McGovern, it merely states that the employer can amend the job opening description and does not relate to automatic suggestion of changes by a processor.

Rejections Under 35 USC §103 (a)

Claim 10 stands rejected under 35 USC 103(a) as being unpatentable over U.S. patent 5,978,768 to McGovern et al. For the reasons discussed above, there is no suggestion or motivation in McGovern to combine it with knowledge to those skilled in the art to provide

the features of claim 10 and therefore, claim 10 is not rendered obvious by the Examiner's combination.

For example, claim 10 teaches that a range of values is associated with one or more compatible fields describing the job opening. Naturally, using the method of claim 6 on which claim 10 depends, this range of values is used in order to perform a two-way match as described in the present application. In contrast, McGovern does not use any values provided to describe the job opening to perform a two-way search, therefore refining field values to encompass a range of values for use in a matching process is not important to the practice of McGovern. In fact, McGovern uses its job description information only to describe the position to a potential candidate (col. 9, lines 52-53).

Furthermore, claim 10 is dependent on nonobvious claims 6 and 9 and therefore for the same reasons claims 6 and 9 are not obvious, claim 10 is also not obvious in view of McGovern. M.P.E.P. §2143.03, In re Fine, 837 F.2d 1071, 5 USPQ2d 1596 (Fed.Cir. 1988).

Claims 11, 17 and 18 stand rejected under 35 USC 103(a) as being unpatentable over U.S. Patent No. 5,978,768 to McGovern et al. in view of U.S. Patent No. 6,289,340 to Puram et al. Again, there is no suggestion or motivation to combine McGovern with Puram. The claims are also nonobvious because the combination of the two references does not teach every element of claims 17 and 18.

McGovern, as mentioned previously, is primarily directed towards gathering a job seeker's preferences for a job and searching a job database in order to provide matches to those preferences. The job seeker may then forward his/her resume (qualifications) to the business seeking to fill the job opening. At this point, the business makes its own assessment of this resume in determining whether or not to hire the job seeker. McGovern does not describe or suggest determining if the job seeker fulfills the requirements of the job opening and therefore does not describe or even suggest stating a level of importance for fields that don't exist. Puram seems to be the complete opposite, and appears to only to concern itself from the employer side and not the job seeker side (col. 1, lines 7-14). Therefore, nothing in McGovern provides motivation for combining it with Puram or vice versa.

Even if the references are combined, neither of the references describes automatically

comparing a job seeker's preferences with a job seeker's qualifications in order to provide matches to a search and therefore not all of the elements of claims 17 and 18 are taught by this combination.

Furthermore, claims 11, 17 and 18 are dependent on nonobvious claims 6 and 9 and therefore, claims 11, 17 and 18 are also not obvious in view of McGovern and Puram. M.P.E.P. §2143.03, In re Fine, 837 F.2d 1071, 5 USPQ2d 1596 (Fed.Cir. 1988).

Claims 3, 4 and 29-32 stand rejected under 35 USC 103(a) as being unpatentable over U.S. Patent No. 5,978,768 to McGovern et al. in view of U.S. Patent No. 6,385,620 to Kurzius et al. Applicant notes that there is no suggestion or motivation in McGovern to combine it with Kurzius, and furthermore, a resulting combination of the two references fails to teach each and every element of claims 3, 4 and 29-32.

Referring to claim 3, it is noted that a job opening record is displayed and this job opening record indicates an employer attitude towards the worker's record. In contrast, col. 17, lines 44-58, of McGovern, relates to displaying a resume (which at most could be considered a worker record) along with an employer score. McGovern does not teach or suggest displaying a job opening record with an attitude of the employer toward the worker record.

The addition of Kurzius to McGovern further fails to create a combination that renders claim 3 obvious, as Kurzius uses its candidate template to display feedback from an employer "in the displayed candidate record" (col. 6, line 48). Kurzius suffers from the same defect as McGovern in that displaying an employer score in the "candidate record" is not the same as displaying a score in the job opening record.

Furthermore, claim 3 is dependent on nonobvious claim 1 and therefore, claim 3 is also not obvious. M.P.E.P. §2143.03, In re Fine, 837 F.2d 1071, 5 USPQ2d 1596 (Fed.Cir. 1988).

By virtue of claim 3, being novel and not obvious in view of the cited combination claim 4 is also novel and not obvious. M.P.E.P. §2143.03.

Regarding claims 29-34, a method is recited which includes displaying information from one or more job opening records which match the worker record along with an indication of the attitude of an employer generating the job opening record toward the

worker's qualifications. In contrast, col. 17, lines 44-58, of McGovern, relates to displaying a resume (which at most could be considered a worker record) along with an employer score. McGovern does not teach or suggest displaying a job opening record with an attitude of the employer toward the worker record.

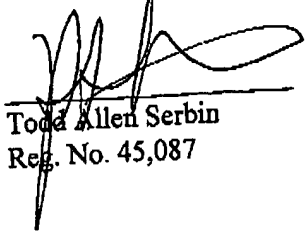
The addition of Kurzius to McGovern further fails to create a combination that renders claims 29-34 obvious for the reason described above, namely that Kurzius displays feedback in conjunction with the worker record and not the job opening record.

The dependent claims 30-34 are allowable at least by virtue of independent claim 29. M.P.E.P. §2143.03. Nonetheless, at least some of the dependent claims add further patentability over McGovern. Claim 30, for example, requires displaying an indication that the worker record was viewed by the employer. This is not taught or suggested by McGovern. The fact that McGovern displays the resume to the employer does not teach or suggest displaying an indication that the resume was viewed. The Examiner has argued that in Kurzius the employer is afforded the opportunity to rate or score an applicant, and that if such a rating or scoring is done then inherently the record was viewed. This may be true, however, what if the employer views the resume but then does not rate or score it? A distinction should be made by the Examiner the difference between a viewed notification and a scoring performed by a potential employer. Neither McGovern nor Kurzius describes or suggests indicating to a candidate that his/her record was viewed by a potential employer.

Claim 16 stands rejected under 35 USC 103(a) as being unpatentable over U.S. Patent No. 5,978,768 to McGovern et al. in view of U.S. Patent No. 5,960,407 to Vivona. There is no motivation to combine McGovern with Vivona and furthermore, the combination of the two references does not teach every element of claim 16 of the present invention. McGovern does not differentiate between matching candidate records and there is no suggestion or motivation to do so, since that determination is left to the hiring contact and the potential employer. Therefore, there is no motivation to add Vivona to McGovern. Furthermore, even if Vivona was added in combination to McGovern, a number of elements would not be included as discussed above with respect to the 35 USC §102(a) and (e) rejections of claim 6, on which claim 16 depends.

In view of the above amendments and remarks, applicant submits that the claims are patentable over the prior art. If the Examiner does not agree regarding one or more of the claims, but is of the opinion that a telephone conversation may forward the present application toward allowance, applicant respectfully requests that the Examiner call the undersigned at 1 (877) 428-5468. Please note that this is a direct *toll free* number in the US that is answered in the undersigned's Israel office. Israel is 7 hours ahead of Washington.

Respectfully submitted,
Gal ALMOG et al.



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